



Knowledgeable Notary

NEBRASKA SECRETARY OF STATE'S OFFICE BUSINESS SERVICES DIVISION * NOTARY SECTION

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- Are you going to be travelling overseas?
- Are you considering Adoption of a child from abroad?
- Are you an international student who will be returning to your home country?

Here are some Federal Government websites that contain information on obtaining copies or authentication of various documents for: international adoption preparation; travel overseas; or certifying school transcripts or diplomas that will be sent back to your home country if you are an international student.

Birth certificates, marriage license, and death certificates-- issuing authorities in the United States and abroad: <http://travel.state.gov/vitalrecordsservices.html>.

International Adoptions--News and Updates: <http://www.travel.state.gov/adopt.html>.

Office of Authentication—(for documents to be used overseas by U.S. citizens and foreign nationals): <http://www.state.gov/m/a/auth/>.

Verification of U.S. citizens and passport issuance--<http://travel.state.gov/passportrecords.html>.
(Note: The Secretary of State's Office cannot authenticate passport records.)

Foreign Embassies in the U.S.: <http://www.state.gov/misc/10125.htm>

Foreign Consulates in the U.S.: <http://www.state.gov/s/cpr/rls/fco/c9299.htm>

U.S. Embassy Offices overseas: <http://travel.state.gov/links.html>.

Are you guilty??

- 1) You receive a document in the mail and you are required to sign the document and have it notarized ASAP. It's Friday after 6:00 p.m. and your bank is closed for the weekend. You cannot reach a friend who is a Notary, so you notarize your own signature. Right or wrong?
- 2) Your friend calls you because he is in a bind. He tells you that he and his wife have sold a rental property and need to sign a document transferring title to the new owner and the document must be notarized. His wife left on an out-of-town business trip for a week, so he had her sign the document

before she left. You take your friend at his word that it's truly his wife's signature on the document, have your friend sign his name in your presence, and proceed to notarize both signatures. Right or wrong?

- 3) Your boss comes to your office and asks you to notarize a document that was signed the previous afternoon on the golf course. You explain to your boss that the signer of a document to be notarized must personally appear before the Notary. The boss tells you that he saw the person sign the document and tells you to proceed to notarize or else! Not wishing to bring on the wrath of the boss, you notarize the document. Right or wrong?
- 4) Your best friend, Barb, calls and asks you to come to the nursing home immediately with your Notary Seal because she's got an emergency situation. You arrive to find that Barb's Aunt Dana, who has been terminally ill for months, has lapsed into a coma and the prognosis is that she may not live through the night. Barb wants you to notarize a document that she admits should have been signed months ago, but Aunt Dana was 'not in her right mind most of the time' and they'd forgotten to have the document signed on one of Aunt Dana's 'good days'. Barb insists that it was a 'miracle' that Aunt Dana was able to sign the document just moments before she went into the coma. The document was Dana's Last Will and Testament which leaves the bulk of her substantial real estate holdings to Barb. Dana's daughter inherits nothing, according to the terms of the Will. The Last Will appoints you as Executor of the Estate and as such, you will receive a huge sum of money for administering the Estate, plus you also inherit an heirloom diamond ring that Aunt Dana knew you'd admired for years. You see how distraught Barb is and agree to notarize the document. Right or wrong?
- 5) You have been asked by your neighbor to notarize a document for an international student they have been hosting for the recently ended school term. There is no Acknowledgement or Jurat statement for you to complete and since it's Saturday, the Secretary of State's Office is closed so you can't call for advice. The student is leaving on a flight to their home country early the next morning. Not knowing how else to handle this, you simply have the student sign the document, you affix your Notary Seal, and sign your name. Right or wrong?

These are all actual situations called into our office. If you answered 'right' to any of the above questions or have notarized in similar situations, you are GUILTY of not knowing Nebraska Notary laws and not using general principles of common sense when notarizing. In the first 4 examples, personal appearance of the document signer before the Notary is required—No exceptions, ever! In example #1, obviously, you cannot appear before yourself. In example #2, personal appearance of both signers of the document is mandatory. In #3, don't let the boss coerce you into notarizing unlawfully. It's your Notary Commission at stake! In #4, there are three "no-no's": 1) the Notary did not personally witness the signing of the document; 2) under normal circumstances, particularly when dealing with elderly or terminally ill patients, the Notary should briefly visit with prospective signers to try to determine if they feel the person is coherent enough to realize what they are signing; 3) Notaries should NEVER notarize a document from which they stand to gain financially (or even give the perception of personal gain). In example #5, without Acknowledgement or Jurat statements to complete and attach to the document, what as a Notary, are you conveying to recipients of the document with your notarization? No one will know if the document signer attested (Acknowledgement) or swore under oath (Jurat) that they truly signed the document or appeared before you, the Notary Public.

We live in a lawsuit happy society. Why bring something ominous upon yourself when it's so easily avoided by being familiar with the law? Remember: Your notarization on a document is valid for the life of the document, which in certain instances (Deeds of Trust) could mean you are liable for up to 30 years or potentially forever (Last Will and Testaments). Be conscientious, follow the letter of the law, and you shouldn't have to face any unforeseen consequences, now or later!

Questions or comments about information contained in this publication may be directed to:

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Visit the Secretary of State's website at: <http://www.sos.state.ne.us> for previous editions of the "Knowledgeable Notary" newsletter and other information available from the Secretary of State's Office.